

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN 12 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

EDWARD JOSE,  
Plaintiff,  
v.  
TIMOTHY FILSON et al.,  
Defendants.

3:18-cv-00178-MMD-VPC

ORDER

I. DISCUSSION

As noted in a previous order, Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*. (ECF No. 3). The previous order directed Plaintiff to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action within 30 days from the date of that order. (*Id.* at 2). The deadline has expired and Plaintiff has done neither.

It is unclear to the Court whether Plaintiff received this Court's last order. Although Plaintiff did not file an application to proceed *in forma pauperis* or pay the full filing fee for this action, he did file a motion to amend his complaint and a motion request for docket sheet. (ECF Nos. 4, 5). The Court grants Plaintiff's request to submit an amended complaint and to receive a copy of the docket.

However, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this

1 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a  
2 fully complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND  
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as  
6 the document entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or  
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
11 administrative fee).

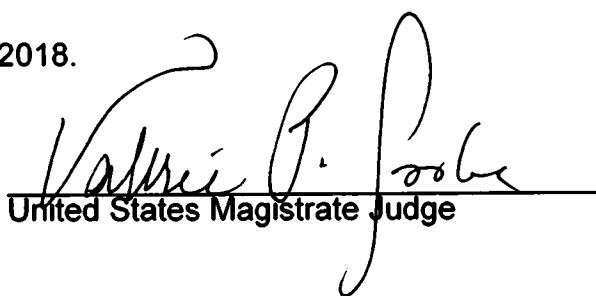
12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the motion to file an amended complaint (ECF No. 4)  
15 is granted.

16 IT IS FURTHER ORDERED that the motion request for docket sheet (ECF No. 5) is  
17 granted. The Clerk of the Court is directed to send Plaintiff a copy of the docket sheet.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
19 No. 1-1), but shall not file it at this time.

20  
21 DATED: This 13<sup>th</sup> day of June 2018.

22  
23   
United States Magistrate Judge  
24  
25  
26  
27  
28